

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 246 OF 2015
[Namdeo s/o Polad Patil Vs The State of Maharashtra & ors.]

Office Notes, Office
Memoranda of Coram,
appearances, Court's
orders or
directions and
Registrar's orders

Court's or Judge's orders

Shri U.S.Patil, advocate for applicant
Smt. V.A.Shidne, A.P.P. for respondent nos. 1 and 2
Shri G.K.Muneshwar, advocate for respondent nos. 3 and 4

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CORAM : V.M.DESHPANDE, J.
DATED : 25th March, 2015

PER COURT :-

1] Heard Shri U.S.Patil, learned counsel for the applicant, Smt. V.A.Shinde, learned Additional Public Prosecutor for the respondent nos. 1 and 2 and Shri G.K.Muneshwar, learned counsel for respondent nos. 3 and 4 in extenso.

2] This is an application for cancellation of anticipatory bail granted by the learned Additional Sessions Judge, Jalgaon on 26.11.2014 in Criminal Bail Application No. 1058 of 2014, whereby the learned court below granted anticipatory bail in favour of respondent nos. 3 and 4 in connection with Crime No. 142 of 2014 for the offences punishable under Sections 420, 504, 506 r/w 34 of the Indian Penal Code.

3] From the first information report, it is clear that there was a sale transaction between the first informant and respondent no.3. Respondent no.4 is the son of respondent no.3. It appears that the agreement of sale was not materialized and the same has culminated into filing of the first information report. It clearly shows that there is a civil

dispute in between the parties.

4] Further, learned counsel for the applicant has submitted that the earnest amount which was paid by the first informant to respondent no.3 was already refunded through two cheques, however, those cheques were not honoured by the bankers of respondent no.3. That could give cause to proceed against the drawer of the said negotiable instrument by filing appropriate proceedings under the Negotiable Instruments Act. Surely when prima facie it clearly appears that it is a civil dispute, no error was committed by the learned trial court while granting bail in favour of respondent nos. 3 and 4.

5] In that view of the matter, the application is meritless and it is dismissed.

(V.M.DESHPANDE, J.)

dbm/crap246.15